

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:17-CV-447-KS

REDOX TECH, LLC,

Plaintiff,

v.

EARTHWORKS SOLUTIONS, LLC
and EDWARD ESCOCHEA, SR.,

Defendants,

v.

REDOX TECH, LLC and JOHN
HASELOW,

Counterclaim Defendants.

ORDER

This matter came on for hearing on June 27, 2018, on all outstanding motions, including Plaintiff and Counterclaim Defendants' Motion for Protective Order, Defendants' Motion to Compel and Motion for Protective Order, and to address case management issues in a non-final Rule 16 conference. At the hearing the parties announced they are working to resolve their disputes through arbitration of the state-court action pending in Wake County Superior Court, *Escochea v. Redox Tech LLC*, No. 17-CVS-14675 (Wake Super. Ct. filed Dec. 5, 2017). The parties orally moved to stay all proceedings in this matter.

For the reasons stated in open court, which are incorporated herein by reference, the court hereby GRANTS the parties' joint oral motion to stay and ORDERS as follows:

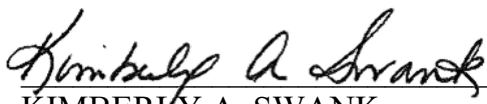
1. Until otherwise ordered by this court, this action is STAYED in light of the state-court action pending in Wake County Superior Court, *Escochea v. Redox Tech LLC*, No. 17-CVS-14675 (Wake Super. Ct. filed Dec. 5, 2017);

2. On their request and with the consent of all parties, all pending motions, including Plaintiff and Counterclaim Defendants' Motion for Protective Order [DE #111], Defendants' Motion to Compel [DE #114], and Defendants' Motion for Protective Order [DE #137], are dismissed without prejudice;

3. On or before January 7, 2019, the parties shall confer and submit to the court a joint report informing the court of the status of the state-court action unless the parties have filed a stipulation of dismissal of all claims in this action prior to that date; and

4. If, during the stay period, any party seeks judicial intervention on an emergency motion, such party must first set up an in-person conference between all parties and counsel, to occur in Greenville at such place as ordered by the court unless otherwise agreed upon (opposing counsel must agree to a date for the conference that is within 10 days of the request for an in-person meeting). If the parties cannot agree to resolve the need for an emergency motion, either party may seek judicial intervention.

This 6th day of July 2018.


KIMBERLY A. SWANK
United States Magistrate Judge